

ASSEMBLY BILL

No. 1113

Introduced by Assembly Member Garcia

February 21, 2003

An act to add Section 76001 to, and to add and repeal Chapter 6.8 (commencing with Section 30075) of Division 3 of Title 3 of, the Government Code, relating to firefighting, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1113, as introduced, Garcia. Supplemental Firefighting Services Fund.

(1) Existing law establishes in each county treasury a Supplemental Law Enforcement Services Fund (SLESF) and requires that moneys from this fund be allocated to local agencies in accordance with specified requirements for, among other things, front line law enforcement services. Existing law also requires fire chiefs to furnish statistical data to the State Fire Marshal to be analyzed and included in a report, and establishes the California Fire and Arson Training Fund to be used for, among other purposes, the California Firefighter Joint Apprenticeship Training Program.

This bill would establish in each county treasury a Supplemental Firefighting Services Fund (SFSF) and require that money from this fund be allocated to local agencies in accordance with specified requirements for specified front line fire service activities.

These provisions would become inoperative on July 1, 2005, and would be repealed on January 1, 2006.

(2) Existing law specifies the disposition of fines, forfeitures, and traffic violator fees, collected by the courts for crimes other than parking violations.

This bill would require that, in addition to the amount levied under existing law, an additional \$5 penalty be levied for every \$10 or fraction thereof that is collected upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, except parking offenses. The bill would require that this amount be taken from the fines and forfeitures collected by the clerk of the court and be transmitted to the county treasurer who, in turn, would deposit the amount into the State Supplemental Firefighting Services Fund, which the bill would create in the State Treasury as a continuously appropriated fund to be administered by the Controller.

The bill would require moneys deposited in the fund be transferred annually, in specified percentages to the supplemental firefighting services fund established in each county treasury, the California Firefighter Arson Training Fund, and the State Fire Marshal for the purposes of the data collection and reporting activity described in (1) above.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 Firefighter Incident and Response Enhancement (FIRE) Act.

3 SEC. 2. Chapter 6.8 (commencing with Section 30075) is
4 added to Division 3 of Title 3 of the Government Code, to read:

5

6 CHAPTER 6.8. SUPPLEMENTAL LOCAL FIREFIGHTING FUNDING

7

8 30075. For purposes of this chapter, the following terms have
9 the following meaning:

10 (a) "County" includes any city and county.

11 (b) "District" means a district that engages in front line fire
12 service activities.

13 (c) "Front line fire services" include fire suppression; safety
14 equipment; training; hazardous materials; technical rescue;



1 assistance with federal and state guidelines or standards, including
2 occupational safety and health requirements; communications
3 standardization between agencies; and fire prevention activities.

4 (d) “Recipient agency” means the public agency that actually
5 incurs an expenditure of funds allocated pursuant to Section
6 30072.

7 (e) “SFOC” means a supplemental firefighting oversight
8 committee established pursuant to this chapter.

9 (f) “SFSF” means a supplemental firefighting services fund
10 established pursuant to this chapter.

11 30076. (a) There shall be established in each county treasury
12 a supplemental firefighting services fund (SFSF), to receive all
13 amounts allocated to a county for purposes of implementing this
14 chapter.

15 (b) In any fiscal year for which a county receives money to be
16 expended for the implementation of this chapter, the county
17 auditor shall allocate the money in the county SFSF, including any
18 interest of other return earned on the investment of the money,
19 within 30 days of the deposit of the money into the SFSF, and shall
20 allocate the money in accordance with the following requirements:

21 (1) The money shall be allocated to those public agencies that
22 (A) provide front line fire services, and (B) furnish information
23 and data pursuant to Section 13110.5 of the Health and Safety
24 Code, including, but not limited to, the county and the cities and
25 districts within the county, in accordance with the relative
26 population of the cities and districts within the county and the
27 unincorporated area of the county, as specified in the most recent
28 January estimate by the population research unit of the Department
29 of Finance. For the purposes of this paragraph, that portion of any
30 multicounty district within the county shall be considered a district
31 within the county.

32 (2) For a newly incorporated city whose population estimate is
33 not published by the Department of Finance but that was
34 incorporated prior to July 1 of the fiscal year in which an allocation
35 from the SFSF is to be made, the city manager, or an appointee of
36 the legislative body if a city manager is not available, and the
37 county administrative or executive officer shall jointly notify the
38 Department of Finance and the county auditor with a population
39 estimate reduction of the unincorporated area of the county equal
40 to the population of the newly incorporated city by July 15, or

1 within 15 days after the annual Budget Act is enacted, of the fiscal
2 year in which an allocation from the SFSF is to be made.

3 (3) The county auditor shall allocate a grant of at least twenty
4 thousand dollars (\$20,000) to each public agency that provides
5 front line fire services.

6 (c) Money allocated by the county auditor to the county
7 pursuant to subdivision (b) shall be retained in the county SFSF,
8 and money allocated to a city pursuant to subdivision (b) shall be
9 deposited in a SFSF established in the city treasury.

10 (d) (1) (A) In the case of the county, the board of supervisors
11 shall appropriate existing and anticipated money exclusively to
12 provide front line fire prevention services in the unincorporated
13 areas of the county in response to written requests submitted to the
14 board by the county fire chief. Any request submitted pursuant to
15 this paragraph shall specify those front line fire service needs of
16 the requesting agency, and the personnel, equipment, and
17 programs that are necessary to meet those needs.

18 (B) The board shall, at a public hearing held in September in
19 each year that the Legislature appropriates funds for purposes of
20 this chapter, consider and determine each submitted request within
21 60 days of receipt. The board shall consider these written requests
22 separate and apart from the process applicable to proposed
23 allocations of the county general fund.

24 (2) In the case of a city, the city council shall appropriate
25 existing and anticipated money exclusively to fund front line fire
26 service needs in accordance with written requests submitted by the
27 fire chief of that city. These written requests shall be acted upon
28 by the city council in the same manner as specified in subparagraph
29 (B) of paragraph (1) for that city.

30 (3) In the case of districts, the legislative body of the district
31 shall appropriate existing and anticipated money exclusively to
32 fund front line fire services, in accordance with written requests
33 submitted by the chief administrator of the fire district. The
34 legislative body shall act upon these written requests in the same
35 manner specified in subparagraph (B) of paragraph (1) for county
36 appropriations.

37 (e) For each fiscal year in which the public agency that provides
38 front line fire services receives any money pursuant to this chapter,
39 in no event shall the governing body of the recipient agency
40 subsequently alter any previous, valid appropriation by that body,

1 for that same fiscal year, of money allocated to the public agency
2 that provides front line fire services pursuant to this section.

3 (f) Funds received pursuant to this section shall be expended no
4 later than June 30 of the following fiscal year. A public agency that
5 has not met this requirement shall remit unspent SFSF money to
6 the Controller for deposit into the California Fire and Arson
7 Training Fund established pursuant to Section 13159.10 of the
8 Health and Safety Code for the purposes of subdivision (a) of
9 Section 13159.9 of the Health and Safety Code.

10 (g) If a public agency does not comply with the requirements
11 of this chapter to receive an SFSF allocation, the Controller shall
12 revert those funds to the California Fire and Arson Training Fund
13 established pursuant to Section 13159.10 of the Health and Safety
14 Code for the purposes of subdivision (a) of Section 13159.9 of the
15 Health and Safety Code.

16 30077. (a) Money allocated from a SFSF to a recipient
17 agency shall be expended exclusively to provide front line fire
18 services, giving first priority to improvement of firefighter health
19 and safety. These moneys shall supplement existing services, and
20 shall not be used to supplant any existing funding for fire services
21 provided by that agency.

22 (b) Public agencies that are not properly equipped with backup
23 power generators shall give high priority to the purchase and
24 installation of backup power generation systems.

25 (c) In no event shall any money allocated from a county SFSF
26 be expended by a recipient agency to fund either of the following:

27 (1) Administrative overhead costs in excess of 0.5 percent of a
28 recipient agency's SFSF allocation for that fiscal year.

29 (2) The costs of any capital project or construction project
30 funded from money allocated to a public agency pursuant to
31 Section 30076 that does not directly support front line fire
32 services.

33 30078. (a) The SFSF in each public agency shall be
34 expended exclusively as required by this chapter. Money in that
35 fund shall not be transferred to, or intermingled with, money in any
36 other fund in the public agency treasury, except that money may
37 be transferred from the SFSF to the public agency general fund to
38 the extent necessary to facilitate the appropriation and expenditure
39 of the transferred money in the manner required by this chapter.

(b) Money in a SFSF may only be invested in safe and conservative investments in accordance with the standards of prudent investment applicable to the investment of trust money. The treasurer or other financial officer of the public agency shall provide a monthly SFSF investment report to either the city or district fire chief or the county fire chief or chief administrator, as applicable.

(c) Each year, at least 30 days prior to the date of the duly noticed public hearing required by Section 30076, the county auditor, city treasurer, and financial officer shall detail and summarize allocations from the county's, city's, or other public agency's SFSF, as applicable, in a written, public report filed with the Supplemental Firefighting Oversight Committee (SFOC) created pursuant to Section 30079, the county board of supervisors, the city council, or governing body, as applicable, for the entirety of the immediately preceding fiscal year, and with the county, city, or public agency fire chief, as applicable.

(d) A summary of the annual reports required in subdivision (c) shall be submitted by each SFOC to the Controller on or before August 15 of each year in a standardized format to be developed by the Controller, in cooperation with the California Fire Chiefs Association, the Fire District Association of California, the California County Auditors Association, and the California Municipal Treasurers Association. The Controller shall make a copy of the summarized reports available to the Governor, the Legislature, and the Legislative Analyst.

(e) By March 1 of each year, the Legislative Analyst shall report to the Legislature on the types of expenditures made by public agencies in the previous fiscal year pursuant to this chapter, and, to the extent feasible, on the effects of those expenditures on fire and public safety.

(f) A public agency that fails to submit the data required pursuant to subdivision (d) or fails to expend the SFSF money provided by the date specified in subdivision (f) of Section 30076 shall forfeit its allocation provided pursuant to Section 30076 for the subsequent fiscal year. The Controller shall reduce the affected county's allocation by the appropriate amount and shall identify the public agency and the corresponding amount reduced for that affected public agency. Funds not allocated to a public agency

1 pursuant to this subdivision shall be reallocated among the
2 remaining public agencies.

3 (g) Notwithstanding subdivision (f), if the SFOC fails to
4 transmit the data to the Controller required pursuant to subdivision
5 (d), the public agency may submit its expenditure data directly to
6 the Controller no later than 15 days after the date specified in
7 subdivision (d). If the public agency has complied with other
8 requirements in this chapter, it shall be eligible for an allocation for
9 the subsequent fiscal year. However, the Controller shall reduce
10 the SFSF allocation to the public agencies represented in the
11 SFOC, and shall reduce the allocation to all the public agencies
12 that failed to provide the expenditure data within the 15 days.
13 Funds not allocated pursuant to this subdivision shall be
14 reallocated among the remaining public agencies.

15 30079. (a) There is in each county a Supplemental
16 Firefighting Oversight Committee (SFOC), consisting of six
17 members as follows:

18 (1) Three public agency fire chiefs, one of whom shall be a
19 county fire chief.

20 (2) Three persons who are representatives of firefighter
21 organizations recognized pursuant to Section 3503.

22 (b) (1) The public agencies in each county shall organize as a
23 selection committee for the purposes of appointing three public
24 agency fire chiefs to the SFOC. Each appointment shall be made
25 by not less than a majority of all the public agencies in the county
26 having not less than a majority of the population of all the public
27 agencies in the county. For that purpose, population figures shall
28 be determined on the basis of the most recent census data
29 developed by the Department of Finance.

30 (2) The organizations referred to in paragraph (2) of
31 subdivision (a) shall select their representatives by consensus.

32 (3) The SFOC shall determine whether recipient entities have
33 expended moneys received from the SFSF in compliance with this
34 chapter. For this purpose, the SFOC shall at least annually review
35 the expenditure of SFSF funds by public agencies, and shall make
36 its annual review report available to the public.

37 30080. This chapter shall become inoperative on July 1, 2005,
38 and, as of January 1, 2006, is repealed, unless a later enacted
39 statute, which becomes effective on or before January 1, 2006,

1 deletes or extends the dates on which it becomes inoperative and
2 is repealed.

3 SEC. 3. Section 76001 is added to the Government Code, to
4 read:

5 76001. (a) In addition to the amount specified in Section
6 76000, there shall be levied an additional penalty of five dollars
7 (\$5) for every ten dollars (\$10) or fraction thereof that shall be
8 collected together with and in the same manner as the amounts
9 established under Section 1464 of the Penal Code, upon every fine,
10 penalty, or forfeiture imposed and collected by the courts for
11 criminal offenses, including all offenses involving a violation of
12 the Vehicle Code or any local ordinance adopted pursuant to the
13 Vehicle Code, except parking offenses subject to Article 3
14 (commencing with Section 40200) of Chapter 1 of Division 17 of
15 the Vehicle Code. These moneys shall be taken from fines and
16 forfeitures collected by the clerk of the court and transmitted to the
17 county treasurer who shall deposit the amount into the State
18 Supplemental Firefighting Services Fund, which is hereby created
19 in the State Treasury, prior to any distribution pursuant to Section
20 1463.001 of the Penal Code. Notwithstanding Section 13340, the
21 fund is continuously appropriated without regard to fiscal years
22 and shall be administered by the Controller.

23 (b) The moneys so deposited in the State Supplemental
24 Firefighting Services Fund shall be administered by the Controller
25 and distributed as follows:

26 (1) Annually, an amount equal to 90 percent of the funds
27 deposited in the fund shall be transferred into the supplemental
28 firefighting services fund established in the county treasuries
29 pursuant to Chapter 6.8 (commencing with Section 30075) of
30 Division 3 of Title 3 for allocation to local agencies in accordance
31 with the proportionate share of the state's total population that
32 resides in each county, as determined on the basis of the most
33 recent January population estimate developed by the Department
34 of Finance. Each county share shall be deposited in the
35 supplemental firefighting services fund of the county. The
36 Controller shall make all disbursements upon the request of an
37 individual county that has established a supplemental firefighting
38 services fund pursuant to Section 30076 and an oversight
39 committee pursuant to Section 30079 for each fiscal year no later
40 than September 15.



1 (2) Annually, an amount equal to 9.81 percent of the funds
2 deposited in the fund shall be transferred into the California
3 Firefighter Arson Training Fund pursuant to Section 13159.10 of
4 the Health and Safety Code for the purposes of subdivision (a) of
5 Section 13159.9 of the Health and Safety Code.

6 (3) Annually, an amount up to 0.19 percent of the funds
7 deposited in the fund, not to exceed one hundred fifty thousand
8 dollars (\$150,000) per year, shall be transferred to the State Fire
9 Marshal for the purposes of carrying out the requirements of
10 Section 13110.5 of the Health and Safety Code.

11 SEC. 4. This act is an urgency statute necessary for the
12 immediate preservation of the public peace, health, or safety
13 within the meaning of Article IV of the Constitution and shall go
14 into immediate effect. The facts constituting the necessity are:

15 In order to provide for the preservation and enhancement of
16 public safety through the implementation of this bill as it relates
17 to supplemental firefighting services fund expenditures at the
18 earliest possible time, it is necessary for this act to take effect
19 immediately.

